



SENTENCING GUIDELINES COMMISSION

Sentencing multiple offenses in one hearing: *Hernandizing* Policies

Staff Presentation on "Hernandizing" - 02.12.2026

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What is *Hernandizing*?

From the 2025 *Minnesota Sentencing Guidelines and Commentary*:

"Hernandize" (or "Hernandizing") is the unofficial term for the process described in section 2.B.1.e of counting criminal history when multiple offenses are sentenced on the same day before the same court.

- Included in the original Guidelines manual from May of 1980, the policy regarding multiple sentences imposed on the same date indicates that, for felonies, "assign one point for every felony conviction for which a sentence was stayed or imposed, and that occurred before the current sentencing."
- In 1981, under *State v. Hernandez*, the MN Supreme Court clarified what before the current sentencing meant: that an earlier-imposed sentence could be used to increase the defendant's criminal history score for the next sentence imposed," and, that the court "was trying to do was avoid mere formalities and, in the interest of judicial economy, do in one day what the Guidelines allow to be done in three or more days." (*State v. Hernandez*, 311 N.W.2d 487 (Minn. 1981))
- This policy is now included in the Guidelines manual as: "Multiple offenses sentenced at the same time before the same court must be sentenced in the order in which they occurred. As each offense is sentenced, include it in the criminal history on the next offense to be sentenced (also known as '*Hernandizing*')...."

Staff Presentation on "Hernandizing" - 02.12.2026

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<p>Minnesota Sentencing Guidelines Commission Email: sentencing.guidelines@state.mn.us Phone: (651) 296-0144</p> <p>Reviewed Date: 01/27/2026 Version: 1 of 1</p> <p>Offender and Court Case Information Name: Testcase, John Sample County: WASECA (81) DOB: 02/09/1989 Gender: Male Case #: CR2512789 Race/Ethnicity: White/Unknown MN SID #: Conv./Plea Date: 02/12/2026 PSI Investigator: MSGC, (651)2</p> <p>Conviction Offense Sent and #: 3 Count #: 2 Offense Title: Possess Amm/Any Firearm - Conviction or Adjudicated Delinquent for Crime of Violence Offense Date: 08/17/2025 Conviction Statute: 62A.713.1(2) Penalty Statute: 62A.713.2(b) Add'l Statutes: Modifiers: Certain Persons Not to Possess Ammunition Only</p> <p>Criminal History Score Custody Status Point: 1 Juv Points: 0 Mid/G.M. Points: 1 Felony Points: 6 Total Criminal History Points: 8 Type: Probation</p> <p>Offenses Included in Criminal History Score</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Type</th> <th>Offense Title</th> <th>Units/Pts</th> <th>Disp Date</th> <th>Exp Date</th> <th>Presc</th> </tr> </thead> <tbody> <tr> <td>Juvenile</td> <td>No Juvenile Priors</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mid./G.M.</td> <td>1. Domestic Assault</td> <td>1 unit</td> <td>01/01/2018</td> <td>01/01/2019</td> <td></td> </tr> <tr> <td></td> <td>2. GM Check Forgery</td> <td>1 unit</td> <td>01/01/2018</td> <td>01/01/2019</td> <td>23</td> </tr> <tr> <td></td> <td>3. GM DWI</td> <td>1 unit</td> <td>01/01/2018</td> <td>01/01/2019</td> <td>Lower</td> </tr> <tr> <td></td> <td>4. GM DWI</td> <td>1 unit</td> <td>01/01/2018</td> <td>01/01/2019</td> <td>Upper</td> </tr> <tr> <td>Felony</td> <td>1. 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Sentencing multiple offenses in one hearing: *Hernandizing* exception #1 – Single Course of Conduct/Multiple Sentences

“When multiple current convictions arise from a single course of conduct and multiple sentences are imposed on the same day under Minn. Stat. §§ 152.137, 609.585, or 609.251, the conviction and sentence for the “earlier” offense does not increase the criminal history score for the “later” offense.

- When a burglary, kidnapping, or fentanyl or meth offense involving a child or vulnerable adult (“special drug offense”), and an additional offense(s) occurs, the offender can be sentenced for multiple offenses.
- The sentence for the “earlier” offense (Sentence #1) will not increase the criminal history score for the “later” offense (Sentence #2) – meaning, no *Hernandizing*.
- When considering this situation for future criminal history, only the prior at the highest severity level will be included.

Staff Presentation on "Hernandizing" - 02.12.2026

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Hernandizing exception #1 – Single Course of Conduct/Multiple Sentences

SENTENCING WORKSHEET

Minnesota Sentencing Guidelines Commission
 Email: sentencing.guidelines@state.mn.us
 Phone: (651) 296-0144

Reviewed Date: HOLD
 Version: 1 of 1 Status: Hold

Offender and Court Case Information

Name: Doe, James Paul County: HENNEPIN (27)
 DOB: 12/02/1992 Gender: Male Case #: CR1811111
 Race/Ethnicity: White/Unknown MN SID #:
 Conv./Plea Date: 04/26/2024 PSI Investigator: MSGC, (651)296-0144

Conviction Offense

Sent out #: 1 Count #: 1
 Offense Title: Burglary - 3rd Degree - Enters without consent with intent to Steal/Commit Felony or Gross Misdemeanor Severity Level: 4
 Offense Date: 11/29/2023
 Conviction Statute: 609.582.3(a) Penalty Statute:
 Add'l Statutes:
 Modifiers:

Criminal History Score

Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0	0	0	0	0
Type: None				

Offenses Included in Criminal History Score

Type	Offense Title	Units/Pts	Disp Date	Exp Date	Presumptive Disposition	Stay
Juvenile	No Juvenile Priors				Presumptive Duration	
Misd/G.M.	No Misdemeanor Priors				12 months	
Felony	No Felony Priors					

The length of stay must not exceed 5 years. The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.

Comments

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 Email: sentencing.guidelines@state.mn.us
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 DOB: 12/02/1992 Gender: Male Case #: CR1811111
 Race/Ethnicity: White/Unknown MN SID #:
 Conv./Plea Date: 04/26/2024 PSI Investigator: MSGC, (651)296-0144

Conviction Offense

Sent out #: 2 Count #: 2
 Offense Title: Theft-Take/Use/Transfer Movable Prop-No Consent Severity Level: 4
 Offense Date: 11/29/2023
 Conviction Statute: 609.52.2(a)(1) Penalty Statute: 609.52.3(a)(v)
 Add'l Statutes:
 Modifiers:

Criminal History Score

Custody Status Point	Juv Points	Misd/G.M. Points	Felony Points	Total Criminal History Points
0	0	0	0	0
Type: None				

Offenses Included in Criminal History Score

Type	Offense Title	Units/Pts	Disp Date	Exp Date	Presumptive Disposition	Stay
Juvenile	No Juvenile Priors				Presumptive Duration	
Misd/G.M.	No Misdemeanor Priors				12 months	
Felony	No Felony Priors					

For stayed sentences pronounced on or after August 1, 2023, refer to Minn. Stat. § 60B.155, subd. 2, for the maximum length of stay. The presumptive sentence was automatically calculated. There may be errors, especially if modifiers apply. Please ensure that the presumptive sentence is correct by applying the Sentencing Guidelines in effect on the date of offense.

Comments

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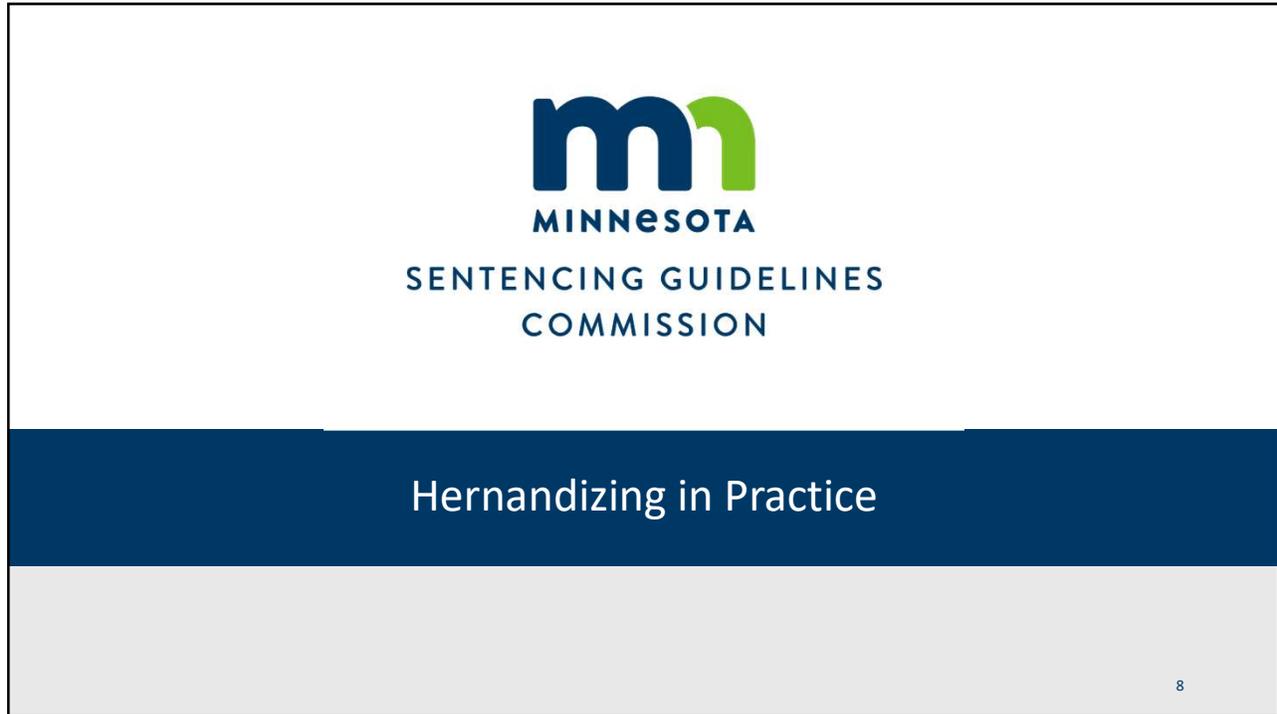
Sentencing multiple offenses in one hearing: *Hernandizing* exception #2 – Single Course of Conduct/Multiple Victims (§ 2.B.1.e(2) & 2.B.1.d(2))

- When a single course of conduct results in multiple victims, multiple sentences can be imposed in the order the offenses occurred.
- For *Hernandizing* count only two of the (sentenced) offenses at the highest severity level as criminal history on the next offense being sentence.
- When these sentencing situations are used in future criminal history, count only the two highest severity levels from the entire incident. (2.b.1.d(2))

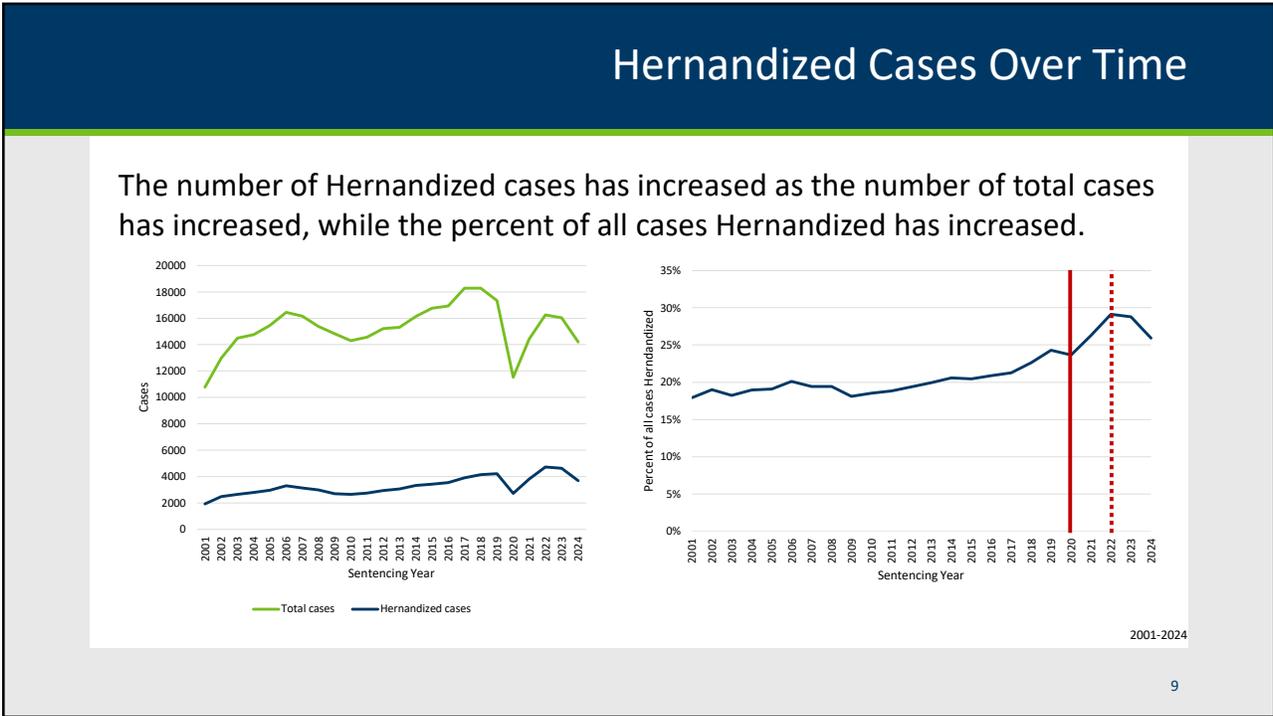
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Minnesota Sentencing Guidelines Commission		Minnesota Sentencing Guidelines Commission		Minnesota Sentencing Guidelines Commission		Minnesota Sentencing Guidelines Commission		SENTENCING WORKSHEET																																																																														
Email: sentencing.guidelines@state.mn.us Phone: (651) 296-0144		Email: sentencing.guidelines@state.mn.us Phone: (651) 296-0144		Email: sentencing.guidelines@state.mn.us Phone: (651) 296-0144		Email: sentencing.guidelines@state.mn.us Phone: (651) 296-0144		Revised Date: HOLD Version: 1 of 1 Status: Hold																																																																														
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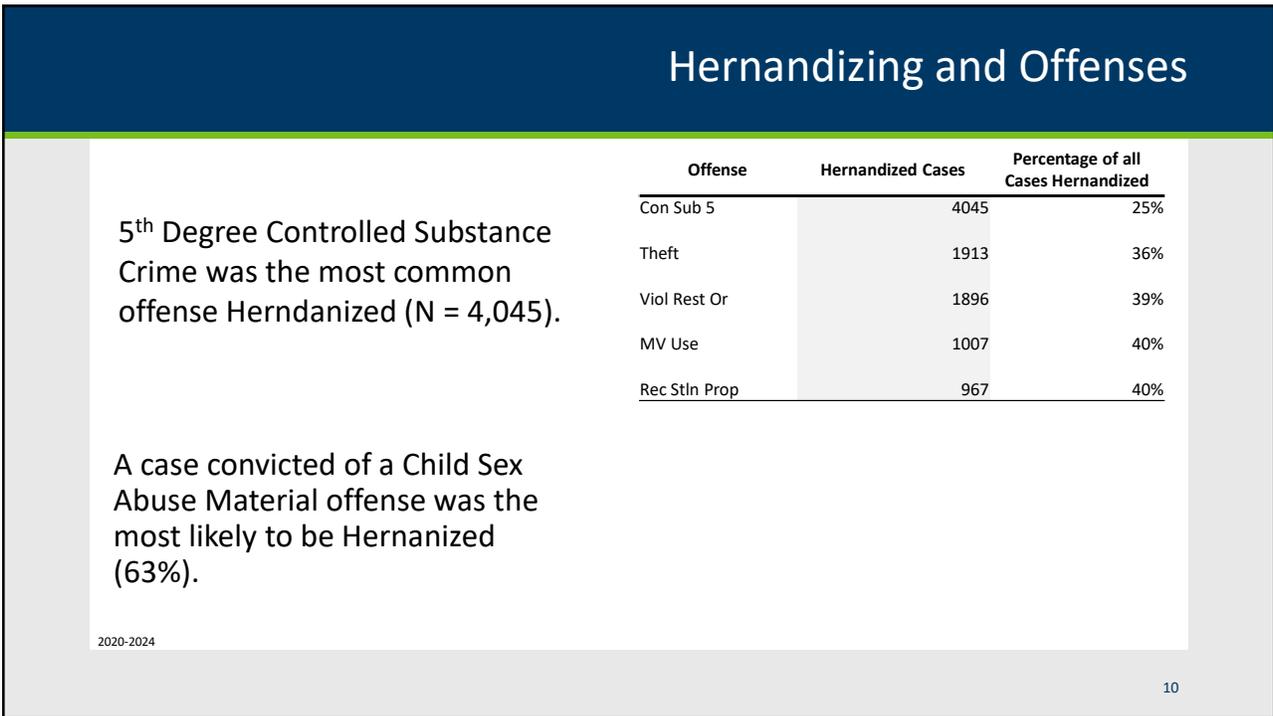
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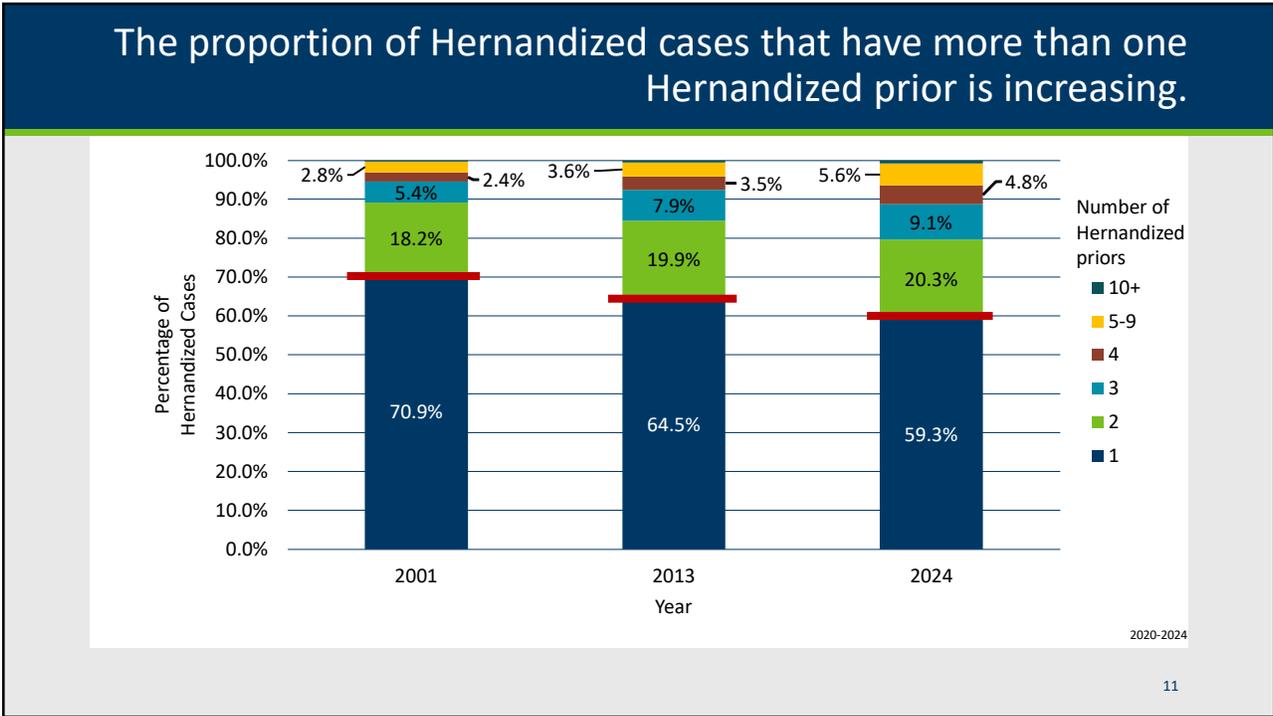


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Pushed over Dispositional Line by Hernandizing

Felon in Possession and 2nd Degree Controlled Substance Crimes had the largest percentage of Hernandized cases pushed over the dispositional line.

Offense	Percentage Hernandized Cases Pushed over Disp Line	Percentage of pushed cases pushed from CHS 0
Felon W Gun	81%	42%
Con Sub 2	81%	57%
Burg 2 sev=4	75%	29%
Burg 1 sev=6	70%	37%
Agg Robb 2	67%	40%

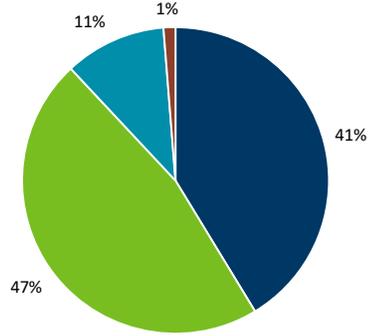
Child Sex Abuse Material had the highest percentage of pushed cases starting from CHS 0.

2022-2024
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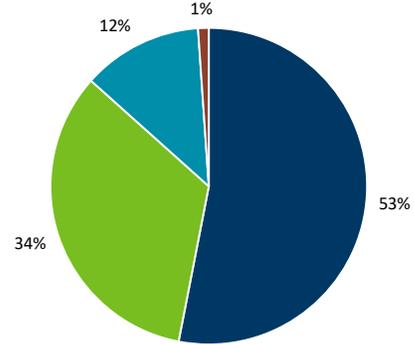
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Hernandized cases receive fewer mitigated dispositional departures than non-hernandized cases

Non-hernandized presumptive commits



Hernandized presumptive commits



■ No departure ■ Mit disp dep ■ Mit dur dep or misd length ■ Agg dep

2020-2024

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